

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. EDCV 14-848-VAP (KLS) Date: October 21, 2015

Title *James Arthur Edwards v. Jeffrey Beard*

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Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Roxanne Horan-Walker  
Deputy Clerk

N/A  
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: ORDER TO SHOW CAUSE RE: DISMISSAL**

On April 29, 2014, Petitioner, a California state prisoner proceeding *pro se*, filed a Petition For Writ Of Habeas Corpus By A Person In State Custody (“Petition”) pursuant to 28 U.S.C. § 2254. On May 12, 2014, Petitioner filed a Motion For Stay And Abeyance (“Motion”) pursuant to *Rhines v. Weber*, 544 U.S. 269 (2005), in which he stated that he was attempting to exhaust additional claims. (Dkt. No. 6.) On May 29, 2014, the Court granted Petitioner’s Motion, stayed the action and held the Petition in abeyance, and ordered Petitioner to file a status report advising the Court of the status of his pending state habeas proceedings every 45 days and to file a motion to lift the stay within 30 days of the date on which the California Supreme Court rules on Petitioner’s state habeas petition. (Dkt. No. 7.)

Petitioner last filed a status report on August 24, 2015. (Dkt. No. 20.) Accordingly, pursuant to the Court’s May 29, 2014 Order, a status report was due on October 8, 2015. However, twelve days have now passed from the date Petitioner’s status report was due, and no status report has been filed. The Court received a letter from Petitioner on September 18, 2015, but this letter did not advise the Court about the status of his pending state habeas proceedings or move to lift the stay. (*See* Dkt. Nos. 21-22.)

Because Petitioner has failed to advise the Court of the status of his state habeas proceedings within 45 days of his last status report, Petitioner is ORDERED TO SHOW CAUSE why this case should not be dismissed for his failure to prosecute and comply with the Court’s prior Order.

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To discharge this Order, Petitioner must file one of the following **on or before November 20, 2015**:

- (1) a sworn declaration (not to exceed 3 pages) presenting a plausible and coherent explanation, supported by competent evidence whenever possible, for plaintiff's failure to timely file the required status report;
- (2) a status report or motion to lift the *Rhines* stay in conformity with the Court's May 29, 2014 Order; or
- (3) a document entitled Notice of Dismissal in which plaintiff requests the voluntary dismissal of this action with no further consequence.

**Plaintiff is expressly cautioned that his failure to timely respond to this order may result in the Court vacating the stay *nunc pro tunc* and recommending dismissal of the action based on Local Rule 41-1 and Rule 41 of the Federal Rules of Civil Procedure.**

Initials of Preparer

                      
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